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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARVIN FRANK, Individually and  
On Behalf of a Class  
Plaintiff,

v.

A & B RESTAURANT GROUP LLC,  
Defendant.

CIVIL ACTION NO. 07-CV-11419 (JSR)

HONORABLE JED S. RAKOFF

**STIPULATION OF DISCONTINUANCE  
WITH PREJUDICE**

A & B RESTAURANT GROUP LLC,  
Third-Party Plaintiff,

v.

RETAIL AUTOMATION PRODUCTS, INC.,  
Third-Party Defendant.

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about December 19, 2007; and Defendant/Third-Party Defendant, A&B Restaurant Group LLC (hereinafter "A&B") filed its Answer on or about March 3, 2008 and a Third-Party Complaint on or about April 30, 2008; and

**WHEREAS**, Third-Party Defendant, Retail Automation Products, Inc. (hereinafter "Retail Automation") filed its Answer to the Third-Party Complaint on or about July 3, 2008; and

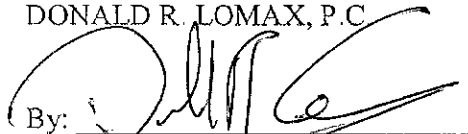
WHEREAS, A&B has denied any and all liability arising out of plaintiff's allegations;  
and

WHEREAS, Retail Automation has denied any and all liability arising out of A&B's  
allegations; and

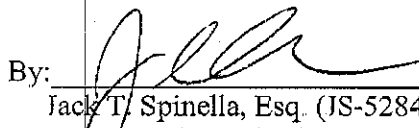
WHEREAS, the parties now desire to resolve the issues raised in this litigation, without  
further proceedings and without admitting any fault or liability, and have executed a confidential  
agreement setting forth the terms of said settlement; now therefore

It is hereby stipulated and agreed that this action is hereby discontinued, with prejudice,  
and without costs to either party as against the other.

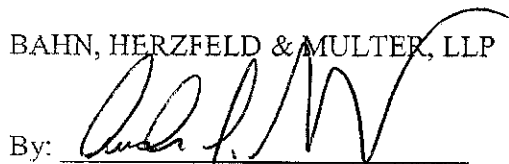
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Dated: September 8, 2008

SO ORDERED

HONORABLE JED S. RAKOFF  
United States District Judge